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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,213	07/22/2003	Jasminka Dizdarevic	C02-0053-001	7052
33190	7590	03/07/2006	EXAMINER	
CINGULAR WIRELESS LLC 5565 GLENRIDGE CONN., #1725A C/O LINDA GILES, PATENT MANAGER ATLANTA, GA 30342			PHAN, HUY Q	
			ART UNIT	PAPER NUMBER
			2687	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Y

<b>Office Action Summary</b>	<b>Application No.</b> 10/624,213	<b>Applicant(s)</b> DIZDAREVIC ET AL.	
	<b>Examiner</b> Huy Q. Phan	<b>Art Unit</b> 2687	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5,8,10,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8,10,12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 01/31/2006.  
Claims 1-5, 8, 10, 12 and 13 are still pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-5, 8, 10, 12 and 13 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "a signaling interface" in the third line. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**a) Claims 1, 2, 4, 5, 8 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain (US-2003/0224811).**

Regarding claim 1, Jain discloses a method (fig. 1), comprising the steps of:

migrating a communications device ("a CDMA based mobile station") to a Global System for Mobile communications network, the communications device migrated from at least one of a Time Division Multiple Access communications network and a Code Division Multiple Access communications network (in solving problem "handling SMS... from a CDMA network to a GSM network", see [0032]);

receiving an origination request from the communications device [0031], the origination request for sending a message from the communications device [0031], the origination request comprising a network address ([0039]);

associating the network address to a signaling point code (GSM service network 140), the signaling point code identifying a message service center in the Global System for Mobile communications network [0035]; and

routing the origination request to the message service center operating in the Global System for Mobile communications network [0036],

wherein the origination request is processed by the message service center [00331].

Regarding claim 2, Jain discloses the method according to claim 1, further comprising the step of updating the network address after migration of the communications device ("available from the GSM SIM card, from a previously received SMS message"), wherein the network address identifies the message service center in the serving communications network [0031].

Regarding claim 4, Jain discloses the method according to claim 1, wherein the step of receiving the origination request comprises receiving the origination request at a mobile switching center in the serving communications network [0031].

Regarding claim 5, Jain discloses the method according to claim 1, wherein the step of associating the network address to the signaling point code is performed by a Signaling Transfer Point (MSN 132) in the serving communications network (see col. 4, line 41-col. 5, line 10).

Regarding claim 8, Jain discloses a method (fig. 1), comprising the steps of:  
receiving an origination request at a mobile switching center in at least one of a Time Division Multiple Access communications network and a Code Division Multiple Access communications network (fig. 1, description and [0035]-[0036]), the origination request for sending a message from a communications device ([0031]-[0037]), the origination request comprising a network address of a message service center associated with the communications device (fig. 2a, description and [0035]-[0037]); and

routing the origination request to the message service center in a Global System for Mobile communications network (fig. 1, description and [0035]-[0036]), comprising routing to a signaling interface (A-INTERFACE) between the Global System for Mobile communications network and at least one of the Time Division Multiple Access communications network and the Code Division Multiple Access communications network (fig. 1, description and [0035]-[0036]) a Signaling Point Code (GSM service network 140) associated with the signaling interface;

wherein the origination request is processed by the message service center, thus allowing the message to be sent from the communications device ([0031]-[0037]).

Regarding claim 10, Jain discloses the method according to claim 8, further comprising the step of associating the network address to a signaling point code, the signaling point code identifying the signaling interface between the Global System for Mobile communications network and at least one of the Time Division Multiple Access communications network and the Code Division Multiple Access communications network [0035].

Regarding claim 12, Jain discloses the method according to claim 8, further comprising the step of wirelessly changing the network address after migration of a subscription profile associated with the communications device ("available from the GSM SIM card, from a previously received SMS message"), wherein the network

address identifies the message service center in the Global System for Mobile communications network [0031].

**b) Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Bright (US-2002/0094811).**

Regarding claim 13, Bright discloses a method, comprising the steps of:  
receiving a message at a message service center (MC 388, see [0043]), the message terminating at a communications device ("destined for the subscriber", see [0043]);

if a Terminal Type of the communications device is Global System for Mobile communications [0044], then routing the message using a GSM Home Location Register operating in a Global System for Mobile communications network [0045], the routing of the message using global title translation [0056] for a Mobile Station Integrated Services Digital Network ([0051]-[0053]) associated with the communications device ([0037]-[0038] and [0056]-[0064]); and

if the Terminal Type of communications device is GSM-ANSI Interoperability Team ([0045]-[0056]), then routing the message using a TDMA Home Location Register in a Time Division Multiple Access communications network ([0046]-[0047]), the routing of the message using global title translation [0056] for a Mobile Subscriber Identification Number ([0051]-[0053]) associated with the communications device ([0037]-[0038] and [0056]-[0064]),

wherein the message is processed for termination at the communications device  
[0056].

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain (US-2003/0224811) in view of Bertacchi (US-6,625,461).**

Regarding claims 3 and 12, Jain discloses the method according to claims 1 and 8, respectively. But, Jain does not particularly show the step of wirelessly changing (updating) the network address after migration of a subscription profile associated with the communications device, wherein the network address identifies the message service center in the Global System for Mobile communications network. However, Bertacchi teaches "In the cellular network 2, the HLR 24 serves to store information about the mobile station 10, including subscriber profile data as well as data indicating the latest known location for the mobile station 10. The location information in the HLR 24 is updated, in accordance with ordinary cellular operations, each time the mobile station 10 registers in a new territory" (col. 4); therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Jain et al. as taught by Bertacchi for purpose of "In particular, as the subscriber



roams, the subscriber's mobile station 10 periodically registers with, or informs, the VMSC 20 for that area of the mobile station's presence in the area. The VMSC 20 then notifies the HLR 24 that is associated with the mobile station 10 of the mobile station's location using a logical location identifier, such as an MSCID, and optionally a physical address for the VMSC 20" (see Bertacchi's specification col. 4).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) McKenna discloses "When a wireless subscriber station moves from one wireless network coverage area to another, Wireless IP mobility binding updates are performed between the wireless subscriber station and its Home Agent (HA) in the home wireless network" (see specification).

b) Ahn discloses "the subscriber can use the service provided by the CDMA system and installs the subscriber's SIM card in the CDMA terminal, transmissions of predetermined data necessary for a GSM authentication by the CDMA system being executed using a CDMA message so that tasks of initial location registration of the GSM service subscriber, a location registration when the location is modified, sending and receiving calls with other subscribers, and a short message service (SMS) are enabled" (see specification).

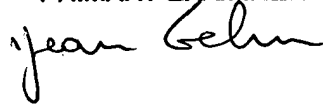
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JEAN GELIN  
PRIMARY EXAMINER  


Examiner: Phan, Huy Q.

AU: 2687

Date: 03/01/2006